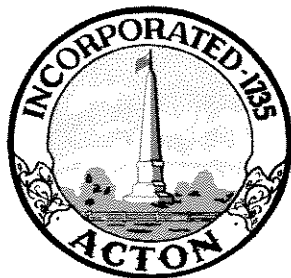


Sign Special Permit – 07-05
Acton Suzuki Inc., 60 Powder Mill Road
April 24, 2007



Planning Board

TOWN OF ACTON
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DECISION
07-05

Acton Suzuki Inc., 60 Powder Mill Road
Sign Special Permit
April 24, 2007
GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of Michael Privitera, Salem, NH on behalf of Acton Suzuki Inc. (hereinafter the Applicant) for property located at 60 Powder Mill Road, Acton, Massachusetts, owned by Leo Bertolami of 6 Proctor Street, Acton, MA. The property is shown on the 2006 Acton Town Atlas map J-3 as parcel 49-1 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on February 2, 2007, pursuant to Section 7.13 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Sign Special Permit Rules and Regulations (hereinafter the Rules).

The Applicant presented the subject matter of the special permit to the Board at a duly noticed public hearing on March 27, 2007. Board members Gregory E. Niemyski (Chairman),

Christopher R. Schaffner, Ruth M. Martin, Michael C. Densen, and Alan R. Mertz were present throughout the hearing. The Chairman designated associate member Roland A. Bourdon III to sit on the Board as a full member for this application pursuant to Section 10.3.9 of the Bylaw. The minutes of the hearing and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- 1.1 Items and documentation required by the Rules consisting of:
 - A properly executed Application for a Sign Special Permit, received in the Planning Department on February 2, 2007.
 - Landlord/property owner letter of authorization, dated 6/27/06.
 - Certified abutters list.
 - A copy of Sign License # 2842 issued for a freestanding sign on the Site, dated 10/6/06.
 - A locus map.
 - Sign renderings.
 - A sign location plan.
 - A letter from the Applicant to the Board, dated 2/21/07.
- 1.2 Additional information submitted by the Applicant:
 - Photographs of existing temporary signs on the Site, taken March 2007.
 - Photographs of example signs illuminated at night, provided on 3/27/07.
- 1.3 Interdepartmental communication received from:
 - Acton Building Commissioner, dated 3/1/07;
 - Acton Engineering Department, dated 3/16/07;
 - Acton Planning Department, dated 3/21/07;
 - Acton Police Department, dated 3/1/07;
 - Acton Tree Warden & Municipal Properties Dir., dated 2/23/07.

Exhibits 1.1 through 1.2 are referred to herein as the Plan.

2 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Site is located within the Powder Mill (PM) zoning district.
- 2.2 The Applicant requests a special permit for two signs (hereinafter the Signs) at the Site that would not otherwise be allowed under the Bylaw:
 - a) The first sign, the "S" sign, is taller than allowed. The height of a by right wall sign is limited to three feet in business zoning districts (Section 7.7.4.2 of the Bylaw). The "S" sign is four and one half feet high.
 - b) The second sign, the "Suzuki" sign, is one additional sign. Only one exterior wall, projecting, or awning sign is permitted by right for the business (Section 7.7.1 of the

- Bylaw). An "S" sign is already proposed for the Site, so the "Suzuki" sign would be one additional exterior sign.
- c) Both the "S" sign and "Suzuki" sign are in locations and/or positions not otherwise permitted. Exterior signs may be erected by right on the exterior wall of the ground floor and up to one foot below the level of the bottom sills of the windows of the story above the ground floor of the building (Section 7.7.2 of the Bylaw). Furthermore, exterior signs shall not be erected within six inches of any horizontal edge of a building or structure, nor extend beyond such horizontal edge, nor be erected within six inches from any architectural features such as arches (Section 7.7.3 of the Bylaw). Both signs are located on an arch that projects from the exterior wall and that is located directly under the windows on the story above the ground floor. The two signs are freestanding on a structural element of the building so they are not actually considered wall signs, although appear as such from view of Powder Mill Road.
- 2.3 The Signs may be allowed on the Site by special permit in accordance with Sections 7.13.1.1, 7.13.1.2a), and/or 7.13.1.3 of the Bylaw.
- 2.4 One other sign, a sign stating "Acton", is planned for installation either: on the wall between the "Suzuki" sign and the window directly above the entrance/exit doors facing Powder Mill Road, or in the window directly above the entrance/exit doors facing Powder Mill Road. Sections 7.7.1 and 7.13.1.1 of the Bylaw prohibits three exterior signs on the Site; therefore, the "Acton" sign would have to be located as a window sign directly above the entrance/exit doors facing Powder Mill Road.
- 2.5 The Site has several temporary window signs, one temporary freestanding sign near the access driveway, and one freestanding sign on the southwest corner of the property covered with a blue tarp. The applicant has received a sign license (Sign License # 2842) to replace the temporary freestanding sign near the access driveway with a permanent freestanding sign. The permanent freestanding sign will state "S Suzuki".
- 2.6 Section 7.4.3.4e) of the Bylaw requires the type of signs proposed to have soft-glow light sources and opaque sign faces with translucent letter surfaces. Section 7.4.3.7 of the Bylaw states that the display area of an illuminated sign shall not exceed an average illuminance of 50 foot-candles measured directly on the surface of the sign. The applicant stated in the public hearing that the illuminance of the Signs can be controlled by a switch and therefore dimmed so as not to exceed the maximum illuminance allowed under the Bylaw. The applicant also stated in the public hearing that both Signs have opaque backgrounds and provided photographs of example signs illuminated at night as reference to the Board.
- 2.7 The Signs are consistent with the character and uses of the area and with the Zoning District in which they will be located.
- 2.8 The Signs are appropriate in scale and proportion relative to the buildings in the area and to the general surroundings. They are appropriately designed and located, and will be a compatible with the building to which they principally relate, and they are in harmony with the general area of the Powder Mill zoning district.
- 2.9 The Signs are a continuous part of an integrated architectural design of the entire Site.

- 2.10 The colors and materials of the Signs are restrained, and in harmony with the buildings.
- 2.11 The materials used for the Signs are appropriate and do not detract from the aesthetic qualities of the surroundings.
- 2.12 The number of graphic elements on the Signs are held to the minimum needed to convey their primary messages and are in good proportion to the area of the Signs' faces.
- 2.13 The Signs will not unduly compete for attention with any other signs in the area.
- 2.14 The Signs are necessary for adequate identification of the business at this Site.
- 2.15 The Signs as approved herein are appropriate for the Site; are consistent with the Master Plan; are in harmony with the purpose and intent of the Bylaw, specifically Section 7; will not be detrimental or injurious to the neighborhood where they are proposed; and comply in all respects to the applicable requirements of the Bylaw and the Rules.
- 2.16 The Board has received comments from various Town departments, which are listed in Exhibit 1.3 above. The Board considered these comments in its deliberations, made them available to the Applicant, and incorporated them into this decision as deemed appropriate.

3 BOARD ACTION

Therefore, the Board voted (___ in favor, ___ opposed) to GRANT the requested special permit subject to and with the benefit of the following waivers, Plan modifications, conditions, and limitations.

3.1 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns, and shall be enforceable by the Building Commissioner in his administration of the sign permits under Section 7.6 of the Bylaw. Failure to adhere to these conditions shall render this special permit null and void, without force and effect, and shall constitute grounds for the revocation of this special permit, and of any sign permit issued by the Building Commissioner hereunder. The Town of Acton may elect to enforce compliance with this special permit using any and all powers available to it under the law.

3.1.1 Prior to erecting the Sign, the Applicant shall:

- a) Obtain sign permits from the Building Commissioner pursuant to Section 7.6 of the Bylaw;
- b) Remove all existing signs on the Site, including the freestanding sign on the southwest corner of the Site, and their support structures and electrical supply lines;
- c) Remove the temporary freestanding sign on the Site near the access driveway and replace it with the freestanding sign approved under Sign License # 2842.

3.1.2 The Signs shall have opaque sign faces with only the letter surfaces translucent and illuminated as defined in Section 7.4.3.4 of the Bylaw.

- 3.1.3 The Plan shall be amended to show certification that the Signs as shown on the Plan shall be constructed and illuminated in compliance with Section 7.4.3.7 of the Bylaw.
- 3.1.4 Under this permit, the Board authorizes the "Acton" sign to be installed as a window sign above the entrance/exit doors facing Powder Mill Road.
- 3.1.5 The Signs shall be erected in accordance with the Plan approved and amended herewith, and shall otherwise comply with all applicable requirements of the Bylaw.
- 3.1.6 All taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full prior to issuance of a sign permit.

3.2 LIMITATIONS

This special permit shall be limited as follows:

- 3.2.1 The foregoing conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw and the Rules.
- 3.2.2 This special permit applies only to the Site identified in this decision and to the proposed Signs as shown on the Plan.
- 3.2.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 3.2.4 This special permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this decision with the Town Clerk, except for good cause, or if construction under this special permit is not continued through to completion as continuously and expeditiously as is reasonable. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates. The Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications of the Plan.
- 3.2.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

4 APPEALS

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

Signed on behalf of the Acton Planning Board

Roland Bartl, AICP, Town Planner
for the Town of Acton Planning Board

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Eva Taylor, Town Clerk		Date
Copies furnished:		
Applicant -	Building Commissioner	Health Director
certified mail #	Engineering Administrator	Municipal Properties Director
Town Clerk	Conservation Administrator	Town Manager
Fire Chief	Police Chief	Acton Water District
Owner	Assistant Assessor	

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